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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,692	03/23/2004	Shinji Ishizuka	14002.019	2423
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EXAMINER				
POPHAM, JEFFREY D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,692

Applicant(s)

ISHIZUKA ET AL.

Examiner

JEFFREY D. POPHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Remarks

Claim 17 is pending.

Response to Arguments

1. Applicant's arguments filed 4/9/2010 have been fully considered but they are not persuasive.

Applicant argues that "Bly does not disclose or fairly suggest a system for maintaining qualification of an operator in which the terminal for maintenance operation at the work site is remote and not communicatively connected to the data management server at the server site, and the terminal for maintenance operation receives data from the data management server through the authentication recording medium, and the skill authentication data is transferred between the terminal for maintenance operation and the data management server via the mobile terminal and a communication network, as claim 17 requires. In contrast to the presently claimed invention, the analysis controller database 78 of the asset controller 51 of Bly is directly connected to the local controller 36 at a work site by the internet (see paragraph [0056] and FIG. 3)." As the first sentence is merely a block copy of the entire limitation within the claim, the second sentence will be focused on, as it provides a specific argument. First noted is that this argument has been discussed previously, in the non-final office action dated 1/19/2010. As discussed therein, the local controller does not necessarily equate to the terminal for maintenance operation, but rather, the terminal for maintenance operation may be the asset 31 or some part

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thereof (e.g. data acquisition device 32). Furthermore, there is no direct connection between the analysis controller and either of the local controller or the asset due to communications occurring over the Internet through various routers, modems, ISPs, etc. As this was laid out in the previous office action, it is not further discussed here.

However, the previous office action also explicitly stated that "One can see here that there is no connection between the asset and remote system 50 in at least some embodiments of Bly" in response to the citation of paragraph 95 stating that "an attempt is first made to access remote system 50 for authorization. If communication is not possible, an attempt is next made to communicate with local controller 36." It should be quite clear from this citation that Bly states that the local site including the asset and local controller need not be communicatively connected to the analysis controller. This discussion from the previous office action has not been argued in the most recent response. Therefore, as one can see from the above discussion, Bly clearly teaches that the terminal for maintenance operation at the work site (e.g. the asset) is remote and not communicatively connected to the data management server (e.g. the analysis controller or database at the remote analysis system), as paragraph 95 teaches attempting to connect to the remote system and failing (which means that there is no communicative coupling to the remote system as the attempt to communicate fails). As for the other portions of the limitation that has been amended, Applicant is directed to the rejection below in order to find the appropriate citations and discussion regarding the amended portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bly (U.S. Patent Application Publication 2002/0087345) in view of Hobgood (U.S. Patent Application Publication 2003/0132283) and Sofia (U.S. Patent Application Publication 2003/0211450).

Bly discloses a system for maintaining qualification of an operator by using an authentication recording medium which stores readable identification data and readable/writable skill authentication data of an operator (Figures 9 and 10; and Paragraphs 84-85 and 94-98), the system comprising:

A terminal for maintenance operation for managing and maintaining a system or device at a work site by using the authentication recording medium, the terminal for maintenance operation including a first authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 91 and 94-98; asset 31 or portion of asset such as data acquisition device 32, for example);

A mobile terminal including a second authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143; handheld device 168, for example);

A data management server at a server site (Figures 9 and 10; and Paragraphs 85, 94-98, and 104; analysis controller 50 or database 78 at remote analysis system 50, for example); and

A PC for education including a third authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155; the device on which training is performed); wherein

In the system for maintaining qualification of an operator, the terminal for maintenance operation at the work site is remote and not communicatively connected to the data management server at the server site, but the terminal for maintenance operation receives data from the data management server through the authentication recording medium, and the skill authentication data is transferred between the terminal for maintenance operation and the data management server via the mobile terminal and a communication network (Figures 9 and 10; and Paragraphs 85, 91, 94-98, and 101-103; the asset not being communicatively connected to the remote analysis system due to failing to communicate with the remote system and/or providing no real-time contact from entities of the system (including the hand held device), wherein the data from the

asset will first have to be entered into the authentication storage medium and/or handheld device and later uploaded to the server, for example);

The system for maintaining qualification of an operator uses the authentication recording medium to authenticate an operator to carry out a maintenance operation of the system or device at the work site by inserting the authentication recording medium into the first authentication recording medium read/write device of the terminal for maintenance operation (Figures 9 and 10; and Paragraphs 85, 91, 94-98, and 101);

The skill authentication data stored in the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, contents of operation record including time, number of times and name of apparatus, data regarding work or operation status including continuous work time and past quality management data including operation error (Paragraphs 94-98 and 147-151), and contents to be downloaded to the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, data regarding work or operation status including continuous work time and past quality management data including operation error (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151);

The mobile terminal has a function to read the data stored in the authentication recording medium by using the second authentication recording medium read/write device and to send the data stored in the authentication recording medium to the data management server at the server site via the communication network, and a function to additionally record or update data received from the data management server in the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 84-85, 94-98, 105, and 141-143);

The data management server at the server site includes a database for data regarding work or operation status and a database for quality management data, and has a function to collect and analyze data uploaded to the database, to make operator qualification determinations and to download the qualification level determinations to the authentication recording medium as skill authentication data (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151), and upon receiving urgent operation approval data registered by an administrator, the data management server has a function to download the data via the mobile terminal to the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 81-83 and 96-97);

The PC for education includes an authentication recording medium data reading/writing application, a work application program, and an

educational application program which is a program for educating an operator, and the PC for education has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by an operator to the data management server via the local area network, receive a qualification determination from the data management server via the local area network, and additionally has a function to record/update the result of learning performed by an operator to the authentication recording medium as skill authentication data by using the third authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 94-98, 104-107, 139-141, 149, and 154-155); and

The terminal for maintenance operation at the work site includes an operation application program and an authentication application program for the authentication recording medium, and the terminal for maintenance operation has a function to read data recorded in the authentication recording medium through the first authentication recording medium read/write device, to confirm identification authentication based on identification authentication data, and to authenticate a certain range of operation based on the skill authentication data, and after performing a maintenance operation, the terminal for maintenance operation has a function to log the contents of an operation record by an operator and to store the contents of the operation record in the authentication recording

medium by using the first authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 91 and 94-98);

But does not appear to explicitly disclose that the authentication recording medium is a card in all instances, or that the PC for education connects to the data management server by a local area network.

Hobgood, however, discloses an authentication recording medium, being a smartcard, storing readable identification data and readable/writable skill authentication data that is inserted into authentication recording medium read/write devices in various devices in order to read and write the data stored on the authentication recording medium (Abstract; and Paragraphs 13-16 and 20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card training system of Hobgood into the training/certification tracking system of Bly in order to allow the system to provide simulations during training, such that an operator can more clearly see precisely what the operator should do upon encountering the situation for which the operator is trained, thereby resulting in more accurate training and performance.

Sofia, however, discloses the PC for education connects to the data management server by a local area network (Figure 3a, numeral 66; and Paragraphs 16 and 35). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the self-paced training system of Sofia into the training/certification tracking

system of Bly as modified by Hobgood in order to allow for training to proceed in such a manner as to allow each trainee to spend as much time in each portion of training as is necessary, thereby allowing training to be more beneficial by catering what training and simulation is provided and for how long to each individual trainee, and/or to allow for self-training to occur even in a local environment, thereby freeing instructor time to be used when there is an issue that the automated training/simulation cannot properly respond to.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone

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number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham
Examiner
Art Unit 2437

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